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1. GENERAL POLICY

- A. It is the policy of the Department to use a reasonable amount of force to conduct lawful public safety activities. When deciding to use force, employees conduct will be guided by the Department's core principles, the safety priorities, and applicable case law.
- B. The response options employed will be Objectively Reasonable, Necessary and Proportional, and based on the Totality of the Circumstances.
 - (1) Employees involved in a Use of Force incident have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary documentation.
 - (2) Circumstances that may govern the reasonableness of using a particular response option include, but are not limited to:

(a) [Graham v. Connor, 490 U.S. 386 \(1989\)](#)

As the Supreme Court stated in *Graham*: The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer, or others, and whether (the subject) is actively resisting arrest or attempting to evade arrest by flight." *Id.* at 396. "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgements-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation." *Id.* at 396-97. In addition, "(t)he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* at 397. "(T)he question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them." *Id.*

(i) 3 Pillars of *Graham v. Connor*

- The severity of the crime
- Whether the subject poses an immediate threat to the safety of officers or others
- Whether the subject is actively resisting arrest or attempting to evade arrest by flight

(ii) The Supreme Court also recognizes other factors to be taken into consideration including:

- Totality of the circumstances
- Environment/bystanders
- Reasonableness

(b) Safety Priorities

- Hostages
- Innocents/civilians
- Officers / law enforcement
- Suspect/subject

(c) Conditions to consider in decision making

- Subject – Known violence potential/criminal history/behavior/armed or access to weapons
- Venue – structure/vehicle/open area
- Environment – Geography/backdrops/innocent citizens/traffic

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1. B. (3) Employees need to consider the following when responding to resistance:
 - (a) Ability - Does the subject have the apparent physical means to cause harm?
 - Employees must also evaluate his/her ability to handle the threat posed by the subject.
 - (b) Opportunity – The circumstances are such that the subject has the apparent ability to harm the employee/s or others.
 - Distances, barriers, and opportunities for both the subject/s and employee/s should be taken into account.
 - (c) Jeopardy - Is the subject causing an imminent or immediate threat to the employee/s or others?
 - Denotes actions, cues, or indicators demonstrated by the subject.

NOTE: Officer-created Jeopardy – Employees will not recklessly escalate a situation resulting in the need for police use of force, which did not exist prior to the employee's actions.
 - (d) Preclusion - All other alternatives have been reasonably considered and cannot be employed in a safe manner based on the Totality of the Circumstances the employee/s or others are facing.
- C. Duty to Provide Medical Assistance – In keeping with the safety priorities, as soon as practicable after any Use of Force incident, employees are responsible for requesting medical treatment for injured subjects and rendering aid consistent with the employee's training.
 - (1) Any time there is an injury, or an alleged injury, as a result of force used by Department personnel, **employees will:**
 - Examine any person claiming injury and render first aid, if necessary.
 - Request medical personnel to respond to the scene, if appropriate.
 - Immediately notify a supervisor.
- D. As soon as practicable, employees who are directly involved in applying a Level 2 Use of Force or higher on a person will be relieved by another officer, not directly involved in the Use of Force incident, for the care and custody of the person.
- E. The techniques taught by the Department's proficiency skills instructors will be used when practical.

2. **TYPES OF RESISTANCE**

A. Psychological Intimidation	Non-verbal cues indicating subject's unwillingness or threats through attitude or aggressive posturing
B. Verbal Non-Compliance	Verbal responses indicating a subject's unwillingness or inability to comply with commands
C. Passive Resistance	- Failure to comply with an employee's commands without attempting to flee - May include, but is not limited to, a person going limp, or standing still and not moving, in response to lawful direction
D. Active Resistance	- Physical actions that attempt to prevent an employee's control but do not constitute Active Aggression against the employee or another person - Examples may include but are not limited to pre-attack indicators, attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the employee's grasp (continued on next page)

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2. **TYPES OF RESISTANCE** (continued)

D. Active Resistance (continued)	- A person's reaction to pain caused by an employee, or purely defensive reactions to force, do not constitute Active Resistance * Pre-Attack Indicators which may include, but are not limited to, verbal threats/statements of non-compliance, psychological intimidation, or a combative stance, can be factored into determining the subject's level of resistance * One pre-attack indicator by itself may not be active resistance, but rather multiple indicators compounded with other factors NOTE: Based on this definition, absent lawful reasonable suspicion to stop or detain a person, solely running from officers does not constitute Active Resistance
E. Active Aggression	Physical Actions of an attack or assault including, but not limited to, taking a fighting stance, strikes, kicks, or attempted strikes or kicks, with hands, fists, the head, elbows, or knees
F. Aggravated Aggression	The actions of a person that present an imminent threat of death or serious physical injury to the employee or another person

3. **FORCE OPTIONS, DE-ESCALATION, AND REPORTING**

A. Response Options	The option/s used is determined by the totality of the circumstances. - Presence – Identification of authority - Verbal Direction – Commands of direction or arrest * Includes the use of a long-range acoustic device (LRAD) - Show of Force (SOF) – Any lethal weapon or less-lethal device pointed in the direction of a person NOTE: Drawing from the duty belt, a slung weapon, or displaying a weapon at the low ready does not constitute a SOF incident. - Soft Empty Hand Control and Restraining Devices – Techniques that have a minimal chance of injury to include control holds, arm bars, and pressure points, spit sock. * Restraining Devices – Handcuffs, RIPP® restraint, ankle cuffs, shackles - Forcible Takedown/Tripping/Tackling – Physical technique used to take a person to the ground - Irritants - Oleoresin capsicum (OC), 2-Chlorobenzylidene malononitrile (CS), and PavaPowder (PepperBall®) - TASER Energy Weapons (TEW): i.e. TASER® - Intermediate Control Techniques - Techniques that have a possibility of injury * Hard Empty Hand Control * Impact Weapons * Canine (K9) Application * Less-Lethal Launcher/Munitions used as Direct Impact munitions - Deadly Force
B. Decision Making – De-Escalation Strategies	- Employees will be trained in de-escalation tactics and techniques designed to gain voluntary compliance from a subject before using force. Such tactics and techniques should be employed if objectively feasible and when they would not increase the danger to the community, employees, or others. Gaining voluntary compliance reduces the need for force, which keeps the community, employees, and subjects safe. - De-Escalation tactics (e.g. controlling time, distance, and cover) and techniques (e.g. Crisis Communication) help officers stay focused and calm during crisis situations to bring chaotic moments to as peaceful a resolution as the subject will allow. Employees shall avoid action or language that intentionally escalates an encounter unless necessary to achieve a lawful purpose. (continued on next page)

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3. **FORCE OPTIONS, DE-ESCALATION, AND REPORTING** (Continued)

B. Decision Making – De-Escalation Strategies (continued)	• Crisis Communication Techniques include, but are not limited to: * Empathy * Emotional labeling * Active listening * Testing for compliance • Employees will assess situations to determine if de-escalation is possible, and if so, employ appropriate de-escalation tactics to reduce the potential need to use force or to reduce the level of force needed. * If force is necessary, employees will assess each incident to determine, based on policy, training, and experience, which use of force option will de-escalate the situation, bring the situation under control, and reduce the probability of harm or injury to any involved persons. * When practical, employees will collect information about the incident, assess risks, request resources, and coordinate a response. * Based on the Totality of the Circumstances, it may be acceptable and prudent to use an elevated tone and voice or appropriate gestures as a tactic to enhance the de-escalation process. NOTE: Employees are reminded Operations Order 4.7.00, Rules and Regulations – Professionalism governs employee conduct at all times. * When tactically sound, employees will control the use of time, distance and cover (either close distance or create distance) afforded to them by the subject to consider other force response options. * The effectiveness of de-escalation strategies depends upon the subject's response to these techniques. • The use of de-escalation tactics and techniques must remain in line with the safety priorities.
C. Documenting Necessity of Use of Force Options	• When force is used, employees must document the necessity of each force response option. Documentation should include, but is not limited to: * The Totality of the Circumstances * Safety Priorities * Subject actions, behavior, and violence potential * De-Escalation strategies * Pre-Attack Indicators * Force options considered * Force options used and their effectiveness * Injuries sustained and any medical aid provided • Decision-making factors influencing force response options may include, but are not limited to, variables such as weapons or perceived weapons, size and strength disparities of subject/officer, environment, etc.

4. **FORCE RESPONSE OPTIONS**

A. General Guidelines

- (1) Utilizing any of the following Force Response Options must be Objectively Reasonable, Necessary, and Proportional, based on the Totality of the Circumstances.
- (2) In accordance with Continuous Assessment, when the circumstances justifying the use of a specific Force Response Option no longer exists, the force option will immediately be discontinued. Employees may be justified in using force at a particular moment but not justified in using force when circumstances change.
- (3) Employees will not use any equipment for which they have not been trained and do not possess a current Department certification.

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4. B. Presence – Presence is established through identification of authority.

NOTE: The presence of a Canine at a scene falls under this parameter.

- C. Long Range Acoustic Device (LRAD) – Refer to the [Downtown Operations Unit \(DOU\) Bureau Manual](#) for further information.
- D. Show of Force (SOF) – A Show of Force is a when a firearm, less-lethal launcher, or TEW is pointed at, or in the direction of, a person by a Department employee. Show of Force also includes:

- (1) Discharge (firing) of PepperBall® munitions near a person for the purpose of Area of Saturation / Area Denial, or discharge of other Department-approved Irritants for Area Denial purposes.
- (2) Display of a “Warning Arc Display” of a TASER® 7 during a police incident in the presence of a person, for the purpose of gaining compliance.
- (3) Discharge (firing) of authorized irritant munitions near a person or into structure as part of a pre-planned tactical event by Tactical Support Bureau (TSB) personnel

NOTE: A Show of Force does NOT include the act of removing a Department-approved weapon system from a holster or case by an employee; does NOT include the display of a Department-approved weapons system by an employee simply holding, wearing, or otherwise possessing the item; and does NOT include the presentation of a Department-approved weapon system at a low-ready position or any other position where the weapon is not pointed at or in the direction of any person.

- E. Soft Empty Hand Techniques and Restraining Devices – These techniques result in temporary pain and have a minimal chance of injury

- (1) Control and restraint techniques include, but are not limited to:

- Wrist locks
- Joint locks
- Pressure points
- Handcuffing (metal, plastic, or soft restraint devices)
- Restraining devices such as RIPP® restraints, ankle cuffs, and shackles (transport use only)
- Use of a shove, an improvised pushing technique, for the purposes of creating distance between persons

NOTE: A shove is NOT an Impact Push or a strike

- Smear technique
 - Cheek Weld
 - Use of the Department-approved Spit Sock
 - Harness control techniques
 - Control of and contact with the head
 - Use of phlebotomy chair restraints on non-compliant persons
- (2) Many of these tactics may involve placing a person on the ground to assist in better control and to minimize injury to the person as well as the employee.
 - (3) Recovery Position – Restrained persons will be placed into a recovery position as soon as practicable (moved onto their side, sitting, kneeling, or standing position) to avoid the potential for positional asphyxiation. If the recovery position is not feasible, employees will monitor the consciousness and breathing of restrained persons and request medical assistance immediately when prudent or necessary.
 - (4) Employees **will not** restrain subjects with their legs behind their back (hog-tying).

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4. E. (5) Spit Sock

(a) Due to inherent health risks, officers may deploy a Department-approved 'Spit Sock' when dealing with a subject who is, or is threatening to, spit on officers or others involved in the immediate incident.

(b) Refer to [Operations Order 1.5.03, Less Lethal Tools](#), section 2.

F. Forcible Takedown, Tripping, or Tackling – Techniques not specifically taught through defensive tactics instruction but used to take a person to the ground.

G. Irritants

(1) Handheld Irritants	May be used when reasonable and justified in the following Situations: - To prevent the possibility of injury to an officer or another person - To ward off threatening dogs or other animals - In tactical building entries, such as search warrants - To subdue a person who is: * Threatening or attempting physical harm to himself or another * Resisting an arrest * Rioting * Interfering with an arrest - When the circumstances justifying the use of a handheld irritant no longer exist, the use of the irritant will immediately be discontinued. - When any irritant has been utilized on or against a person, the deployment will be documented in an Incident Report (IR) or Supplement and a Level 2 Use of Force Report will be generated in BlueTeam. (Refer to Operations Order 1.5.02, Use of Force Reporting for further information) <u>MK-9 Use</u> - Supervisors may direct an officer to deploy the MK-9 canister when reasonable to do so.
(2) Pava Powder (PepperBall® II Launcher)	<u>PepperBall® used for Area Saturation/Area Denial</u> - When a PepperBall® has been utilized for Area Saturation/Area Denial, the deployment constitutes a Show of Force and an SOF report in BlueTeam will be completed (refer to Operations Order 1.5.02, Use of Force Reporting). - An involved employee or supervisor will complete the SOF Notification Form in PolicePoint and document the circumstances for the Area Saturation/Area Denial in the justification box on the form. NOTE: If during an Area Saturation/Area Denial deployment, a person is unintentionally struck with a PepperBall® munition, due to actions beyond the control of the operator, a Level 2 Use of Force Report in BlueTeam will be completed by a supervisor. The reporting supervisor will document the circumstances of the unintentional direct impact to the person and the circumstances and justification leading to the use of Area Saturation (i.e. psychological intimidation, verbal non-compliance, passive resistance). PepperBall® may be utilized for Area Saturation/Area Denial in the following manners: - When objectively reasonable and justified to subdue a person who is: * Displaying psychological intimidation * Verbally non-compliant * Displaying passive resistance <u>Pepperball® Used for Direct Impact</u> - Refer to Direct Impact Munitions, section I.(7) below.

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4. G. Irritants (continued)

(3) Tactical Irritants	Detailed training, deployment procedures, and tactical considerations are found in the TSB and DOU manuals.
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H. TASER® Energy Weapon (TEW) – Use is considered a less-lethal tactic.

(1) Guidelines for Use	- TEWs may be used in situations where distance is necessary to maintain officer safety and the use of TEWs is reasonable. - TEWs will not be used for any of the following: * Coercion or intimidation EXCEPTION: Use of the Warning Arc Display of a TASER® 7 combined with the proper verbal warning may be used in situations where deployment of a TEW is justified. Powering the TASER® 10 on, combined with proper verbal warning, may be used in situations where deployment of a TEW is justified. * Against a subject who would be in danger of falling from a significant height * When subjects are near flammable liquids and gases - If it is determined an extended cycle, or additional probe deployment (TASER® 10), is necessary to control a combative suspect, a detailed explanation will be documented in the IR or Supplement. - Only apply the number of cycles reasonably necessary to safely approach and restrain the subject. <u>Non-Target Areas</u> - Head, neck, groin, and chest <u>Deployment Ranges for Patrol</u> - Maximum range of 25 feet for TASER® 7, or 40 feet for TASER® 10 TASER® 7 - close quarter cartridge preferred range 4-8 feet TASER® 7 - Stand Off cartridge preferred range 11-22 feet
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I. Intermediate Control Techniques – Techniques that may result in injury.

(2) Hard Empty Hand Techniques	<u>These include but are not limited to:</u> - Closed fist strikes - Hammer fist strikes - Palm-heel strikes - Impact pushes - Kicks - Knee strikes - Elbow strikes <u>Guidelines for Use</u> - Areas to avoid are the throat, spine, sternum, and kidneys. - Intentional strikes to the head should be avoided in most circumstances, however, strikes to the head or face may be used to overcome a violent or perceived violent attack against community members or employee/s. - Strikes to the head or face are not permitted absent compelling circumstances when a suspect is in a prone position. When feasible, consider more effective techniques to address a subject in this position, to include isolating limbs with joint control techniques, pressure points, and relying on communication and coordination with other officers.
(3) Impact Weapons	<u>Expandable Baton and Improvised Impact Weapons (i.e. Flashlights)</u> NOTE: Side-handle and straight batons are prohibited for use or carry by employees. - When the use of the impact weapon is justified, employees will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury. - Flashlights are not designed as impact weapons; however, a flashlight may be used as an impact weapon if a baton is not readily available.

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4. I Intermediate Control Techniques (continued)

(3) Impact Weapons (continued)	Employees will not purposely strike or jab suspects with an impact weapon or fixed object on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation. NOTE: Use of a firearm or less-lethal launcher as an Improvised Impact Weapon is prohibited unless Deadly Force is justified or used as an appropriate technique for the purposes of system retention. EXCEPTION: TSB personnel's use of approved techniques as outlined in the TSB Manual
(4) Canines (K9s)	- Canines may be used to search for or apprehend felony suspects when the public or officer safety is threatened sufficiently to justify this level of force. - Canines may be used to search for misdemeanor suspects; however, the animal will remain on lead unless the public or officer safety is threatened. <u>Procedures for deploying Canines</u> - When time and circumstances permit, a verbal warning will be given to a subject before releasing the Canine to conduct a search. - An announcement identifying police authority and giving directions to the subject should be made in addition to stating the Canine will be released if the subject fails to comply. - Canines will not be used for control of crowds or in any circumstances where a strong potential exists for discrediting the Department, unless exceptional justifiable circumstances are present. - Detailed procedures for Canine use are found in the TSB manual.
(5) Direct Impact Munitions	- This policy applies to the following direct impact munition launchers: * 40MM Launcher * PepperBall® Launcher (direct impact) * 37MM Launcher (TSB approved only) - They are not intended to resolve Phase II Barricades (refer to TM10, Barricade/Hostage Plan for further information), but rather can be used to alter environments (vehicles/structures) to enhance public safety, officer safety, and improve tactical advantage. - When practical, prior to direct munitions usage in Phase I Barricade situations, the shift commander will consult with a TSB supervisor. <u>Target Areas</u> - Arms - Lower abdomen - Back, excluding the spine from the base of the skull to the tailbone - Buttocks - Legs - Chest – PepperBall® ONLY <u>Non-Target Areas</u> - Head - Chest - Spine - Neck Exception: The chest is an acceptable target area for PepperBall® munitions NOTE: Intentional shots to non-target areas are only authorized when Deadly Force is justified. <u>Considerations</u> - Optimal Ranges: <u>40MM Launcher</u> - 40MM Standard Velocity (SV) round have no minimum safe distance per the manufacturer. The optimal ranges are from 5 yards up to 35 yards. * High Velocity (HV) round will not be used within 10 yards of the subject unless deadly force is justified. * HV rounds are intended to provide increased time, distance, and cover for subjects outside SV ranges.

4. I Intermediate Control Techniques (continued)

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(5) Direct Impact Munitions (continued)	<u>Considerations</u> (continued) <u>PepperBall® Launcher</u> * PepperBall® has no minimum distance, with an effective range of 2 yards to 20 yards. <u>Additional Information</u> • For specific guidelines reference the 40MM Launcher or PepperBall® Launcher, refer to current training lesson plans. • For specific guidelines reference the 37MM direct impact munitions, refer to the TSB manual.
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J. Deadly Force

(1) Guidelines	<u>Employees may use deadly force under the following circumstances:</u> • Deadly Force may only be used in circumstances where a threat of death or serious physical injury to the employee or others is imminent. A danger is imminent when an objectively reasonable employee would believe that each of the following apply: * A suspect is acting or threatening to cause death or Serious Physical Injury to the employee or others. * The suspect has the means or instrumentalities to do so. * The suspect has the opportunity and ability to use the means or instrumentalities to cause death or Serious Physical Injury. • Deadly Force may be utilized when other measures are not practical under the existing circumstances. • An employee may use Deadly Force to prevent the escape of a fleeing person if force is justified and no reasonable force alternative exists, provided each of the following apply: * There is probable cause to believe that the person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death. * The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the employee or another unless the person is apprehended without delay. * If time, safety, and circumstances permit, employees have identified themselves as law enforcement officer, have stated their intention to use Deadly Force, and have given the person a reasonable opportunity to comply voluntarily. • When the use of techniques taught by the Department's proficiency skills instructors is not practical under the circumstances, the employee may resort to any reasonable method to overcome the attack. • The use of chokeholds, carotid control techniques, or any other method of inhibiting air or blood flow to the brain is prohibited unless the situation has risen to the level of a Deadly Force encounter. • When the circumstances justifying the use of Deadly Force no longer exist, Deadly Force will immediately be discontinued through the utilization of De-Escalation Strategies. • Employees still may use reasonable force to maintain control and to protect the community or themselves from danger in situations where Deadly Force is no longer justified.
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4. J. Deadly Force (continued)

(2) Firearms	- In addition to the guidelines listed above, employees will only discharge firearms in connection with police activities, and in accordance with the following policies whether On-duty or working in an Off-duty capacity. - Employees will not unnecessarily draw or display any firearm, or carelessly handle a firearm. - Warning shots are prohibited. - Indiscriminately firing into crowds is prohibited. - When the shooting of a subject appears imminent, employees will, if practical, issue a verbal warning. - Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death exists. Employees should consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life. NOTE: Firearms may be used against an animal posing an immediate danger to the employee or the public when other means of protection are impractical. Use of a firearm against an animal is not considered a Use of Force. <u>Shooting from or at Vehicles:</u> - Employees will not shoot from a moving vehicle unless a failure to address an immediate threat will result in a greater risk to public safety. - Employees will not shoot at a moving vehicle for the sole purpose of disabling it unless a failure to address an immediate threat will result in a greater risk to public safety. - Employees will not shoot at an occupant of a moving vehicle unless a failure to address the immediate threat will result in a greater risk to public safety. NOTE: Employees should not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement, unless executed as part of a tactical plan intended to enhance safety.
(3) Vehicles	- The following are prohibited unless the use of Deadly Force is justified, and no reasonable alternatives exist: * The intentional use of a police vehicle against a subject on foot or on a bicycle. * The deliberate collision with other vehicles or use of a police vehicle to force any vehicle off the roadway. <u>Exceptions:</u> * Employees trained and authorized in vehicle interdiction techniques are governed by their respective bureau manual. * To prevent an act of terrorism when the vehicle is being used as a weapon of mass destruction. * Employees "pinning" a vehicle as part of a planned tactical event. NOTE: Employees should use caution before reaching or leaning into a running vehicle with the driver's seat occupied.
(4) Notifications	- Employees who discharge a firearm in the course of their duties will make appropriate notification to a supervisor as soon as practical. - The employee's bureau/precinct commander or the duty commander will be advised of the weapon discharge incident. - Firearms training or firearms practice are exempt from this paragraph.

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